

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46104(a)	49 App.:1354(c) (related to this chapter). 49 App.:1484(a) (related to member of the Board), (b) (1st sentence), (c) (1st sentence). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §§313(c) (related to this Act), 1004(a)-(h), 72 Stat. 753, 792. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
46104(b)	49 App.:1354(c) (related to this chapter). 49 App.:1484(c) (last sentence), (d). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(1) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(e) (1st, last sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(2) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(e) (2d sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(3) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(e) (3d sentence). 49 App.:1655(c)(1).	
46104(c)(4) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(f). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(c)(5) ..	49 App.:1354(c) (related to this chapter). 49 App.:1484(g). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(d)	49 App.:1354(c) (related to this chapter). 49 App.:1484(b) (last sentence), (h). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46104(e)	49 App.:1354(c) (related to this chapter). 49 App.:1484(a) (related to examiner). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In this section, the word “Administrator” in section 313(c) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 753) is retained on authority of 49:106(g).

Subsection (a)(1) is substituted for “sign and issue subpoenas”, “shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation”, and “The attendance of witnesses, and the production of books, papers, and documents, may be required from any place in the United States, at any designated place of hearing” in 49 App.:1484 for clarity and consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words.

In subsection (b), the words “petition a court of the United States to enforce the subpoena” are substituted for “invoke the aid of any court of the United States in requiring attendance and testimony of witnesses and the production of such books, papers, and documents under the provisions of this section” in 49 App.:1484(c) to eliminate unnecessary words. The words “to enforce

a subpoena under this section” are substituted for “in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Board (and produce books, papers, or documents if so ordered) and give evidence touching the matter in question” in 49 App.:1484(d) to eliminate unnecessary words.

In subsection (c)(1), the words “pending before it, at any stage of such proceeding or investigation” in 49 App.:1484(e) are omitted as surplus. The words “a person to give” are substituted for “to be taken”, and the words “to produce records” are added, for clarity and consistency. The last sentence is substituted for 49 App.:1484(e) (last sentence) for clarity and consistency and to eliminate unnecessary words.

In subsection (c)(4), the words “shall be cautioned . . . to testify the whole truth, and shall be carefully examined” in 49 App.:1484(f) are omitted as surplus. The words “shall be under oath” are substituted for “shall be required to swear (or affirm, if he so requests)” for consistency and because of 1:1.

In subsection (d), the words “that the witness and individual would have been” are added for clarity and consistency in the revised title and with other titles of the Code. The words “fees, charges, or” and “on the subject” are omitted as surplus.

In subsection (e), the words “duly . . . for such purpose” are omitted as surplus. The words “employee appointed under section 3105 of title 5” are substituted for “examiner”, and the words “subpoena witnesses” are substituted for “sign and issue subpoenas”, for consistency in the revised title and with other titles of the Code. The words “In all cases heard by an examiner or a single member” are omitted as surplus.

AMENDMENTS

2018—Pub. L. 115-254, §1991(f)(6)(A), substituted “subpoena” for “subpena” wherever appearing.

Pub. L. 115-254, §1991(f)(4), substituted “Administrator of the Transportation Security Administration,” for “Under Secretary,” wherever appearing.

Pub. L. 115-254, §1991(f)(2), substituted “or Administrator of the Federal Aviation Administration” for “or Administrator” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(f)(3), substituted “by the Administrator of the Federal Aviation Administration)” for “(by the Administrator)” in introductory provisions.

Pub. L. 115-254, §1991(f)(1), substituted “Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary” in introductory provisions.

Subsec. (b). Pub. L. 115-254, §1991(f)(6)(B), substituted “Subpoenas” for “Subpenas” in heading and “the Administrator of the Federal Aviation Administration, or” for “the Administrator, or” in text.

2001—Subsec. (a). Pub. L. 107-71, §140(b)(1), in introductory provisions inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)”.

Subsec. (a)(4). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator”.

Subsec. (b). Pub. L. 107-71, §140(b)(2), (6), inserted “the Under Secretary,” after “Secretary,” and substituted “, Under Secretary, or Administrator” for “or Administrator”.

Subsecs. (c) to (e). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator” wherever appearing.

§ 46105. Regulations and orders

(a) EFFECTIVENESS OF ORDERS.—Except as provided in this part, a regulation prescribed or

order issued by the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) takes effect within a reasonable time prescribed by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration. The regulation or order remains in effect under its own terms or until superseded. Except as provided in this part, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may amend, modify, or suspend an order in the way, and by giving the notice, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration decides.

(b) **CONTENTS AND SERVICE OF ORDERS.**—An order of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall include the findings of fact on which the order is based and shall be served on the parties to the proceeding and the persons affected by the order.

(c) **EMERGENCIES.**—When the Administrator of the Federal Aviation Administration is of the opinion that an emergency exists related to safety in air commerce and requires immediate action, the Administrator, on the initiative of the Administrator or on complaint, may prescribe regulations and issue orders immediately to meet the emergency, with or without notice and without regard to this part and subchapter II of chapter 5 of title 5. The Administrator shall begin a proceeding immediately about an emergency under this subsection and give preference, when practicable, to the proceeding.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1228; Pub. L. 107–71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115–254, div. K, title I, §1991(f)(1)–(4), (7), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46105(a)	49 App.:1485(a) (words before 1st proviso), (d), (e). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §1005(a), (d)–(f), 72 Stat. 794. Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
46105(b)	49 App.:1485(f). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46105(c)	49 App.:1485(a) (provisos). 49 App.:1655(c)(1).	

In subsection (a), the words “under its own terms or until superseded” are substituted for “until their further order, rule, or regulation, or for a specified period of time, as shall be prescribed in the order, rule, or regulation” for clarity and to eliminate unnecessary

words. The word “amend” is added for consistency in the revised title. The text of 49 App.:1485(e) is omitted as surplus.

In subsection (c), the words “without complaint” and “if he so orders” are omitted as surplus. The words “prescribe . . . issue” are substituted for “make” for consistency in the revised title and with other titles of the United States Code. The words “just and reasonable” and “as may be essential in the interest of safety in air commerce” are omitted as surplus. The words “without regard to this part and subchapter II of chapter 5 of title 5” are substituted for “without answer or other form of pleading by the interested person or persons, and . . . hearing, or the making or filing of a report” to eliminate unnecessary words. The words “over all others under this chapter” are omitted as surplus.

AMENDMENTS

2018—Pub. L. 115–254, §1991(f)(4), substituted “Administrator of the Transportation Security Administration,” for “Under Secretary,” wherever appearing.

Pub. L. 115–254, §1991(f)(2), substituted “or Administrator of the Federal Aviation Administration” for “or Administrator” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(f)(3), substituted “by the Administrator of the Federal Aviation Administration” for “by the Administrator”).

Pub. L. 115–254, §1991(f)(1), substituted “Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary”.

Subsec. (c). Pub. L. 115–254, §1991(f)(7), substituted “When the Administrator of the Federal Aviation Administration” for “When the Administrator”.

2001—Subsec. (a). Pub. L. 107–71, §140(b)(1), (2), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)” and substituted “, Under Secretary, or Administrator” for “or Administrator” wherever appearing.

Subsec. (b). Pub. L. 107–71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator”.

§ 46106. Enforcement by the Department of Transportation

The Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) may bring a civil action against a person in a district court of the United States to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part. The action may be brought in the judicial district in which the person does business or the violation occurred.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1229; Pub. L. 107–71, title I, §140(b)(1), (7), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115–254, div. K, title I, §1991(f)(1), (3), Oct. 5, 2018, 132 Stat. 3642.)